

## **Retirement of Staff**

To assist the ESD in its planning efforts, staff members considering retirement are encouraged to notify the ESD as early as possible, preferably at the beginning of the school year in which the retirement will take place.

### 1. Current ESD Employees

- a. In the event that a ESD employee retires and begins receiving benefits from the Public Employees Retirement System (PERS) prior to the end of the school year, he/she may be retained by the ESD in his/her current position or other position as deemed appropriate by the ESD until the end of the school year subject to the provision of ORS 238.082 and the provisions of any applicable collective bargaining agreement.
- b. No economic benefits other than salary compensation may be provided to ESD employees following their departure from employment with the agency in recognition of service to the ESD.
- c. All requests for continued employment by the ESD must be submitted in writing to the superintendent no later than 60 calendar days before the end of the school year in which the individual has retired from PERS. Requests will be determined on the following criteria.
  - (1) Length of service. The individual must have been employed by the ESD a minimum of five years prior to retirement;
  - (2) Need. The individual must be qualified in the area of need as determined by the ESD.
  - (3) Evaluations. The individual must have satisfactory performance evaluations. An individual who has been on a program of assistance for improvement or with written directives or reprimands within the past 5 years will not be considered for retention by the ESD.
- d. Decisions to retain the individual in his/her current position will be made by the superintendent. The individual will not be required to submit to established ESD application and interview procedures. Decisions to retain the individual in a position other than the individual's current position, such as a new position or another vacant position will be made by the superintendent. The individual may be required to submit to established ESD application and interview procedures for such positions, as determined by the Board.
- e. The superintendent will determine salary and length of contract for early retirees.
- f. Employees who retire during the school year shall not serve past June 30 but may be considered for reemployment in emergency situations where another qualified candidate cannot be found. These employees will be hired on a temporary contract. No special compensation accommodations may be made in lieu of contributions which the ESD might otherwise have been obligated to make. The ESD, on a case-by-case basis, will make decisions on continued employment past that date.

- g. The maximum hours of work performed by an employee shall not exceed 1039 hours. The employee shall be responsible for submitting a record of his/her hours worked to payroll on a monthly basis to assure that the period of employment does not exceed the statutory maximum.
- h. The ESD will immediately submit an Employment of PERS Retiree form to the PERS office as required by law.

2. Former ESD Employees

- a. A ESD employee who retired and left ESD employment may apply for a subsequent vacancy with the ESD under the same application and interview procedures as all other applicants for ESD employment.

END OF POLICY

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**Legal Reference(s):**

[ORS Chapter 237](#)

[ORS Chapter 238](#)

[ORS 243.303](#)

[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2006).

Employee Retirement Income Security Act of 1974, 29 U.S. C. §§ 1001-1461 (2006).

OR. CONST., art. IX, §§ 10-13.